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Book Reviews

A BIBLIOGRAPHY OF MUNICIPAL UTILITY REGULATION AND MUNICIPAL OWNERSHIP. By Don Lorenzo Stevens, M. B. A., Harvard University Press, Cambridge, Mass. 1918. pp. viii, 410.

A work of this size devoted entirely to a list of books and articles shows the tremendous development of this subject in recent years. Nearly every reference belongs to the present century—most of them to the last ten years. The popular scientific and technical magazines have been ransacked. The result is a great saving of time for one who wants to get all the material on the subject without the tedious work of searching the reference guides and the lesser known special bibliographies. The author usually gives some brief comment on the nature of the book or article. In some cases it would be of advantage to have the comment more full. The scope of the several technical works can usually be determined readily, but one has to read through the more general articles only to find that an old idea has been presented in slightly different language. There is so much that when it was written doubtless contributed to the information of the persons to whom it was addressed, but is merely cumulative so far as an investigator is concerned. Let us hope that the day of generalities is about over and the future discussions on this subject will give more of the laboriously accumulated facts and less theory.

A. M. K.

ELEMENTS OF WESTERN WATER LAW. Revised Edition. By A. E. Chandler. Technical Publishing Company, San Francisco, Cal. 1918. pp. 158.

The second edition of Mr. Chandler's excellent work will be welcomed by all those who are interested in problems of water law, particularly the administrative features of irrigation enterprises which are a most important recent development of the water law of the Western States. The title of the work gives an excellent idea of its scope. It does not pretend to deal with the subject in an exhaustive way. About one-third of the work is devoted to a general discussion of the riparian and appropriation doctrines. The balance of the work treats of the unique water codes adopted in the Western States and the legal phases of irrigation as carried on therein under the various state and federal enactments. For students interested in either the practical or legal aspects of irrigation this comprehensive and authoritative presentation is invaluable. Mr. Chandler has had special qualification for writing on this subject. As a graduate

engineer from the University of California, as a practical engineer in the federal Reclamation Service, as State Engineer of Nevada during the formative period of these administrative offices at which time he was admitted to practice law, as assistant legal counsel in the Federal Reclamation Service whose duties caused him to travel through the West and visit all the government irrigation enterprises, as a Professor of Irrigation in the University of California, as a representative of the federal government in the formulating of water codes for the Philippines and Hawaii, and as President of the California State Water Commission, and of the California Irrigation Board, Mr. Chandler is a part of the development of the water law which has taken place in the West, and can, therefore, write with more than ordinary authority.

With his federal and state experience it is not surprising that he devotes a chapter to "Water Rights on Interstate Streams." His conclusion is in part that,

"The state and not the nation is superior regarding legislation concerning the use of public waters, excepting only the matter of navigation, wherein the nation controls."

The important case of *Wyoming v. Colorado*, which Mr. Chandler mentions in this chapter, has been pending before the Supreme Court of the United States for an unusual length of time. On order of the Court it was re-argued and counsel representing the federal government participated on invitation of the court. During the course of the oral argument the Attorney General of Colorado contended that the State of Colorado had the right, if it saw fit, to entirely exhaust the flow of the river in question before it reached the state boundary and after a spirited colloquy in which several of the justices participated, one of them is reported to have said, "I am dead against you on that." The Supreme Court has just adjourned for the term and a decision cannot now be expected until the next October term. The Court is evidently confronted with the necessity of creating new law to meet a situation which has only recently assumed serious importance.

Mr. Chandler's concluding chapter on "The Desideratum in Legislation Regarding Public Waters," is of special interest. He believes that the riparian doctrine is rational as applied to a region where irrigation is comparatively unimportant, but that the tremendous impetus given to irrigation in the West, "has done much to show the unsuitability of the riparian doctrine. The doctrine of prior appropriation, on the contrary, is proving more and more adapted to the needs of growing communities with restricted water supplies."

W. E. C.